

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

**MOISES IBARRA-GONZALEZ,
Petitioner**

v.

CIVIL NO. 06-1034(DRD)

**COMMONWEALTH OF PUERTO RICO,
et al.,
Respondents**

ORDER

Pending before the Court is the Petitioner's *Petition of Writ of Habeas Corpus under 28 U.S.C. §2254*. On February 8, 2006, the Court issued an Order to Petitioner, Moises Ibarra-Gonzalez, to submit before the Court copies of all documents evidencing that state remedies had been previously exhausted. Further, the petitioner was also ordered to show cause and prejudice why failure to consider the procedurally defaulted grounds would constitute a fundamental miscarriage of justice. Moreover, petitioner was provided a term of thirty (30) days to complete and file the forms, and copies of any and all state court resolutions and opinions demonstrating that he had presented to the state courts the factual and legal basis of the instant federal claim. Finally, petitioner was forewarned that failure to submit the documents required would entail dismissal of its claims albeit without prejudice.

As of today, more than the thirty (30) days provided to the petitioner have elapsed without the required documents being submitted as ordered. Hence, petitioner has precluded the Court from asserting its jurisdiction to entertain petitioner's federal claims. Consequently, the Court is devoided of any grounds evidencing that petitioner's constitutional claims had been previously presented to the state courts hence enabling the Court to determine the merits of petitioner's request. As the Supreme Court stated in *Picard v. Connor*, 404 U.S. 270, 278 (1971) "the substance of a federal habeas corpus claim must first be presented to the state courts."

Therefore, the Court hereby **DISMISSES** petitioner's claims against the Defendants **WITHOUT PREJUDICE**. The Clerk of Court is **INSTRUCTED** to notify this Order to Petitioner's address of record. **Judgment** shall be issued accordingly.

IT IS SO ORDERED.

In San Juan, Puerto Rico this 17th day of March 2006.

**S/DANIEL R. DOMINGUEZ
DANIEL R. DOMINGUEZ
U.S. DISTRICT JUDGE**